

for various educational purposes such as teaching the theory of operation and standard analytical practices and for other curriculum courses. *Application Accepted by Commissioner of Customs:* December 29, 1994.

Docket Number: 95-001. *Applicant:* Beckman Research Institute of the City of Hope, Division of Immunology, 1450 East Duarte Road, Duarte, CA 91010. *Instrument:* Mass Spectrometer, Model MAT 900. *Manufacturer:* Finnigan MAT, Germany. *Intended Use:* The instrument will be used to characterize macromolecular structures, principally peptides and proteins, isolated in small quantities from biological systems. There is also a limited need for the accurate mass analysis of small organic molecules with sufficient resolution and mass accuracy to define elemental composition. *Application Accepted by Commissioner of Customs:* January 4, 1995.

Pamela Woods

Acting Director, Statutory Import Programs Staff

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[C-201-405]

Certain Textile Mill Products from Mexico; Preliminary Results of Countervailing Duty Administrative Review

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice of Preliminary Results of Countervailing Duty Administrative Review.

SUMMARY: The Department of Commerce (the Department) is conducting an administrative review of the countervailing duty order on certain textile mill products from Mexico for the period January 1, 1992, through December 31, 1992. We preliminarily determine the total net subsidy to be 0.15 percent *ad valorem* for all companies during this review period. In accordance with 19 CFR 355.7, any rate less than 0.50 percent *ad valorem* is *de minimis*. We invite interested parties to comment on these preliminary results.

EFFECTIVE DATE: January 26, 1995.

FOR FURTHER INFORMATION CONTACT: Mercedes Fitchett or Dana Mermelstein, Office of Countervailing Compliance, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W.,

Washington, D.C. 20230, telephone: (202) 482-2786.

SUPPLEMENTARY INFORMATION:

Background

On March 12, 1993, the Department published a notice of "Opportunity to Request Administrative Review" (58 FR 13583) for the countervailing duty order on certain textile mill products from Mexico (50 FR 10824; March 18, 1985). We received a request for review from the Amalgamated Clothing and Textile Workers Union (ACTWU), an interested party. The Government of Mexico and the Camara Nacional de la Industria Textil, a Mexican textile trade association, objected to ACTWU's request for review, claiming that ACTWU was not an interested party. The Department reviewed the information provided by the ACTWU with its request for review, which indicated that ACTWU members produced the subject merchandise. In accordance with 19 CFR § 355.2, the Department determined that ACTWU is an interested party in the proceeding, and is thus entitled to request an administrative review.

We initiated the review, covering the period January 1, 1992, through December 31, 1992, on May 6, 1993 (58 FR 26960). This review involves 32 companies and 10 government programs. The Department is now conducting this review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of Review

Imports covered by this review are certain textile mill products from Mexico. Shipments of such merchandise are classifiable under the Harmonized Tariff Schedule (HTS) item numbers listed in the Appendix to this notice.

Calculation Methodology for Assessment and Deposit Purposes

We calculated the net subsidy on a country-wide basis by first calculating the subsidy rate for each company subject to the administrative review. We then weight-averaged the rate received by each company using as the weight its share of total Mexican exports to the United States of subject merchandise, including all companies, even those with *de minimis* and zero rates. We then summed the individual companies' weighted-average rates to determine the subsidy rate from all programs benefiting exports of subject merchandise to the United States.

Since the country-wide rate calculated using this methodology was *de minimis*, as defined by 19 CFR

§ 355.7(1994), no further calculations were necessary.

Analysis of Programs

(1) BANCOMEXT Financing for Exporters

Effective January 1, 1992, the Mexican Treasury Department eliminated the FOMEX loan program and transferred the FOMEX trust to the Banco Nacional de Comercio Exterior, S.N.C. (BANCOMEXT). The BANCOMEXT program operates much like its predecessor, FOMEX. BANCOMEXT offers short-term financing to producers or trading companies engaged in export activities; any company generating foreign currency through exports is eligible for financing under this program. In addition, BANCOMEXT may provide financing to foreign buyers of Mexican goods and services. BANCOMEXT provides two types of financing, both in U.S. dollars: working capital loans (pre-export loans), and loans secured by export sales (export loans).

The Department has previously found this program to confer an export subsidy to the extent that the loans are provided at preferential rates. See, e.g., *Ceramic Tile From Mexico; Preliminary Results of Countervailing Duty Review* (57 FR 5997; February 19, 1992) and *Ceramic Tile From Mexico; Final Results of Countervailing Duty Review* (57 FR 24247; June 8, 1992). In this review, the Government of Mexico provided no new information or evidence of changed circumstances that would warrant reconsideration of that determination.

Because loans are provided by BANCOMEXT to commercial banks in dollars and indexed to dollars for repayment, we used a dollar benchmark. See *Certain Steel Products from Mexico; Final Countervailing Duty Determination* (58 FR 37357; July 9, 1993). To determine the benchmark for BANCOMEXT pre-export and export loans on which interest was due during 1992, we used the average of the quarterly weighted-average effective interest rates published in the *Federal Reserve Bulletin*, namely 7.18 percent. Generally, the BANCOMEXT loans under review were granted at annual interest rates ranging from 7.0 percent to 11.11 percent.

We consider the benefits from preferential loans to occur at the time the interest is paid. Because interest on BANCOMEXT pre-export loans is paid at maturity, we calculated benefits based on pre-export loans that matured during the review period; such loans were obtained between March 1992 and May 1992. Interest on BANCOMEXT

export loans is paid in advance; we therefore calculated benefits based on BANCOMEXT export loans received during the review period. Also, because exporters are able to tie BANCOMEXT loans to specific shipments, we measure the benefit only from BANCOMEXT loans tied to shipments of the subject merchandise to the United States.

Several exporters of certain textile mill products used BANCOMEXT export sales financing; however, during the review period, BANCOMEXT charged a preferential annual interest rate on only one loan. To determine the benefit for this loan, we multiplied the difference between the interest rate charged and the benchmark interest rate by the principal and then multiplied this amount by the term of the loan divided by 365. We then divided the BANCOMEXT benefit by the value of the company's total exports of subject merchandise to the United States during the review period and then weight-averaged the resulting benefit by the company's portion of total exports of subject merchandise to the United States. On this basis, we preliminarily determine the benefit from this program to be less than 0.005 percent *ad valorem*.

(2) PITEX

The Program for Temporary Importation of Products used in the Production of Exports (PITEX) was established by a decree published in the *Diario Oficial* on May 9, 1985, and amended in the *Diario Oficial* on September 19, 1986, and May 3, 1990. The program is jointly administered by the Ministry of Commerce and Industrial Development (SECOFI) and the Customs Administration. Under PITEX, exporters with a proven export record may receive authorization to temporarily import products to be used in the production of exports for up to five years without having to pay the import duties normally imposed on those imports. PITEX allows for the exemption of import duties for the following categories of merchandise used in export production: raw materials, packing materials, fuels and lubricants, machinery used to manufacture products for export, and spare parts and other machinery. The importer must post a bond or other security to guarantee the reexportation of the temporary imports. Because it is only available to exporters, the

Department previously found in *Certain Textile Mill Products From Mexico; Final Results of Countervailing Duty Administrative Review* (56 FR 50859; October 9, 1991) and *Ceramic Tile From Mexico; Final Results of Countervailing Duty Administrative Review* (57 FR 24247; June 8, 1992) that PITEX provides countervailable benefits to the extent that it provides duty exemptions on imports of merchandise not physically incorporated into exported products. In this review, the Government of Mexico provided no new information or evidence of changed circumstances that would warrant reconsideration of that determination.

During the review period, three firms used the PITEX program for temporary imports of machinery and spare parts which are not physically incorporated into exported products. To calculate the benefit from this program, we first calculated the duties which would have otherwise been paid by each company on the non-physically incorporated items that were imported under the PITEX program during the review period. We then divided that amount by each company's total exports of subject merchandise to the United States during the review period and then weight-averaged the resulting benefit by each company's portion of total exports of subject merchandise to the United States. On this basis, we preliminarily determine the benefit from this program to be 0.15 percent *ad valorem*.

(3) Other Programs

We also examined the following programs and preliminarily determine that producers and exporters of the subject merchandise did not apply for or receive benefits under these programs during the review period:

- (A) Other BANCOMEXT preferential financing;
- (B) Fiscal Promotion Certificates (CEPROFI);
- (C) Import duty reductions and exemptions;
- (D) State tax incentives;
- (E) Article 15 Loans;
- (F) NAFINSA FONEI-type financing; and
- (G) NAFINSA FOGAIN-type financing.

Preliminary Results of Review

We preliminarily determine the total net subsidy to be 0.15 percent *ad valorem* during the period January 1, 1992 through December 31, 1992. In accordance with 19 CFR 355.7, any rate

less than 0.5 percent *ad valorem* is *de minimis*.

If the final results of this review remain the same as these preliminary results, the Department intends to instruct the Customs Service to liquidate, without regard to countervailing duties, all shipments of the subject merchandise from Mexico exported on or after January 1, 1992, and on or before December 31, 1992. Further, as provided by section 751(a)(1) of the Act, the Department will instruct Customs to collect cash deposits of estimated countervailing duties at a rate of zero for all shipments of the subject merchandise from Mexico entered, or withdrawn from warehouse, for consumption on or after the date of publication of the final results of this administrative review.

Parties to the proceeding may request disclosure of the calculation methodology and interested parties may request a hearing not later than 10 days after the date of publication of this notice. Interested parties may submit written arguments in case briefs on these preliminary results within 30 days of the date of publication. Rebuttal briefs, limited to arguments raised in case briefs, may be submitted seven days after the time limit for filing the case brief. Any hearing, if requested, will be held seven days after the scheduled date for submission of rebuttal briefs. Copies of case briefs and rebuttal briefs must be served on interested parties in accordance with 19 CFR 355.38(e).

Representatives of parties to the proceeding may request disclosure of proprietary information under administrative protective order no later than 10 days after the representative's client or employer becomes a party to the proceeding, but in no event later than the date the case briefs, under 19 CFR 355.38(c), are due.

The Department will publish the final results of this administrative review including the results of its analysis of issues raised in any case or rebuttal brief or at a hearing.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and 19 CFR 355.22.

Dated: January 16, 1995.

Susan G. Esserman

Assistant Secretary for Import Administration.

APPENDIX—CERTAIN TEXTILE MILL PRODUCTS FROM MEXICO C-201-405 HARMONIZED TARIFF SYSTEM (HTS) NUMBERS

4010.10.10	5109.10.60	5109.90.60	5111.11.70	5111.19.60
5111.20.90	5111.30.90	5112.20.30	5112.30.30	5204.11.00

APPENDIX—CERTAIN TEXTILE MILL PRODUCTS FROM MEXICO C-201-405 HARMONIZED TARIFF SYSTEM (HTS)
NUMBERS—Continued

5204.19.00	5204.20.00	5205.11.10	5205.12.10	5205.12.20
5205.13.10	5205.13.20	5205.14.10	5205.23.00	5205.24.00
5205.25.00	5205.31.00	5205.32.00	5205.33.00	5205.34.00
5205.42.00	5205.43.00	5205.44.00	5206.11.00	5206.12.00
5206.13.00	5206.14.00	5206.15.00	5206.31.00	5206.32.00
5206.33.00	5206.34.00	5206.35.00	5206.41.00	5206.42.00
5206.43.00	5206.44.00	5206.45.00	5207.10.00	5207.90.00
5208.11.20	5208.12.40	5208.13.00	5208.19.40	5208.21.20
5208.21.40	5208.22.40	5208.22.60	5208.23.00	5208.29.40
5208.29.60	5208.31.40	5208.31.60	5208.31.80	5208.32.30
5208.32.40	5208.32.50	5208.33.00	5208.39.20	5208.39.80
5208.41.40	5208.41.60	5208.41.80	5208.42.30	5208.42.40
5208.42.50	5208.43.00	5208.49.40	5208.51.40	5208.51.60
5208.51.80	5208.52.30	5208.52.40	5208.52.50	5208.53.00
5208.59.20	5208.59.80	5209.11.00	5209.19.00	5209.31.60
5209.32.00	5209.41.60	5209.43.00	5209.51.60	5209.52.00
5210.21.40	5210.21.60	5210.22.00	5210.29.40	5210.29.60
5210.32.00	5210.39.40	5210.39.60	5210.52.00	5210.59.40
5210.59.60	5211.31.00	5211.51.00	5401.10.00	5401.20.00
5402.10.30	5402.20.30	5402.31.30	5402.31.60	5402.32.30
5402.32.60	5402.33.30	5402.41.00	5402.43.00	5402.49.00
5402.51.00	5402.52.00	5402.59.00	5403.20.30	5403.20.60
5406.10.00	5406.20.00	5407.41.00	5407.42.00	5407.43.20
5407.44.00	5407.52.20	5407.53.10	5407.53.20	5407.54.00
5407.60.05	5407.60.10	5407.60.20	5407.91.05	5407.92.05
5407.93.05	5407.94.05	5408.21.00	5408.22.00	5408.23.20
5408.24.00	5408.31.05	5408.32.05	5408.33.05	5408.34.05
5508.10.00	5508.20.00	5509.12.00	5509.21.00	5509.22.00
5509.31.00	5509.32.00	5509.41.00	5509.51.30	5509.51.60
5509.53.00	5509.69.20	5509.69.40	5509.99.20	5509.99.40
5511.10.00	5511.20.00	5511.30.00	5513.11.00	5513.13.00
5513.19.00	5513.21.00	5513.23.00	5513.29.00	5513.33.00
5513.39.00	5513.41.00	5513.43.00	5513.49.00	5514.11.00
5514.19.00	5514.21.00	5514.29.00	5514.41.00	5514.49.00
5515.13.05	5516.11.00	5516.12.00	5516.13.00	5516.14.00
5516.41.00	5516.42.00	5516.43.00	5516.44.00	5516.91.00
5516.92.00	5516.93.00	5516.94.00	5601.10.20	5601.22.00
5602.10.90	5602.21.00	5602.90.60	5603.00.90	5607.41.30
5607.49.15	5607.49.25	5607.50.20	5608.11.00	5701.10.16
5701.10.20	5701.90.20	5702.10.90	5702.31.10	5702.31.20
5702.32.10	5702.32.20	5702.41.10	5702.41.20	5702.42.10
5702.42.20	5702.51.20	5702.51.40	5702.52.00	5702.91.30
5702.91.40	5702.92.00	5703.10.00	5703.20.10	5703.20.20
5703.30.00	5704.10.00	5704.90.00	5705.00.20	5801.31.00
5801.33.00	5801.34.00	5801.35.00	5801.36.00	5803.10.00
5803.90.30	5804.10.00	5804.21.00	5804.29.00	5804.30.00
5805.00.25	5806.32.10	5810.10.00	5810.91.00	5810.92.00
5902.10.00	5902.20.00	5902.90.00	5911.10.20	5911.20.10
5911.31.00	5911.32.00	6001.10.20	6001.22.00	6001.92.00
6002.10.80	6002.20.10	6002.20.60	6002.30.20	6002.43.00
6002.93.00	6301.10.00	6301.20.00	6301.30.00	6301.40.00
6301.90.00	6302.22.10	6302.22.20	6302.32.10	6302.32.20
6302.40.10	6302.40.20	6302.51.10	6302.51.20	6302.51.30
6302.51.40	6302.52.10	6302.52.20	6302.53.00	6302.59.00
6302.91.00	6302.92.00	6302.93.20	6302.99.20	6303.12.00
6303.19.00	6303.92.00	6303.99.00	6304.11.20	6304.19.05
6304.19.15	6304.19.20	6304.91.00	6304.92.00	6304.93.00
6304.99.15	6304.99.60	7019.20.10	9404.90.90

5209.32.00 Coverage limited to fabrics, not napped, of numbers 17 to 33.

5209.52.00 Coverage limited to fabrics, not napped, of numbers 17 to 33.

5402.10.30 Coverage limited to yarns provided for in subheading 5402.10.3040.

5402.20.30 Coverage limited to yarns provided for in subheading 5402.20.3040.

5402.33.30 Coverage limited to yarns, valued not over \$2.20 per kilogram.

5402.41.00 Coverage limited to yarns provided for in subheading 5402.41.0040.

5402.43.00 Coverage limited to yarns provided for in subheading 5402.42.0040.

5402.49.00 Coverage limited to yarns provided for in subheading 5402.49.0070 and 5402.49.0080.

5509.31.00 Not to include single blended yarns containing a combination of noncontinuous acrylic and continuous nylon filaments.

5509.32.00 Not to include plied blended yarns containing a combination of noncontinuous acrylic and continuous nylon filaments.

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